IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO.166 (SS) OF 2004

Dr. Kishan Singh Rawat, aged about 46 years,
S/o Shri Karakh Singh Rawat,
R/o Indira Colony, Mall Road, Almora,
District- Almora. .....Petitioner.

Versus

1. State of Uttaranchal, through its Secretary, Education, Civil Secretariat, Dehradun, Uttaranchal.
2. District Education Officer, Almora.
3. Principal, Government Inter College, Kunelakhet, Almora.
4. Director of Education, 2-Subhash Road, Dehradun (Uttaranchal).
5. District Institute of Education and Training, Almora.

.....Respondents.

Hon'ble Rajesh Tandon, J.

Heard Sri Anil K. Joshi, Advocate for the petitioner and Standing Counsel for the respondents.

2. By the present writ petition, the petitioner has prayed for a writ of mandamus commanding the respondents to sanction the special leave to the petitioner for the period of 15.02.2002 to 14.03.2002. Further prayer has also been made for a writ of mandamus commanding the respondents to fix the annual increment of the petitioner w.e.f. January of every year.

3. Brief facts according to the petitioner are that while he was posted as lecturer in Government Inter College, Kunelakhet, he was sent for election duty for the legislative assembly in the year, 2002. After the completion of election process of the legislative assembly in the year, 2002 and while depositing the ballot box and other documents related to the lection, the polling vehicle met with an accident, whereby two members of the polling party died and the petitioner and other polling members received serious injuries.

4. Due to the aforesaid reason, the petitioner could not attend the college as the doctors had advised him to take complete bed rest. According to the petitioner, he moved an application for leave before the respondent no. 3 (Annexure No. 1).

5. When the petitioner got medically fit, he submitted his joining report in the office of respondent on .3 and joined the office on 16.03.2002.

6. The grievance of the petitioner is that the respondents did not pay him salary for the months of February and March, 2002. In this regard the petitioner made several request for sanctioning of special leave w.e.f. 15.02.2002 to 14.03.2002 and for payment of salary, but of no avail.

7. Thereafter, after a lapse of more than one year, the petitioner again requested and became able to get the salary of the months of February and March, 2002 in the month of March, 2003 for no fault on the part of the petitioner.

8. Petitioner has submitted that apart form the above, the annual increment of the petitioner, which becomes due to every employee after completion of one

year, has been paid to him after a lapse of every 14 months.

9. The petitioner repeatedly requested the respondents for sanction of special leave instead of medical leave and for correction of annual increment but of no avail.

10. It has been submitted by the petitioner that another members of the polling party, who had sustained injuries in the accident, was given financial assistance of Rs. 2000/- in discharge of duties, but the petitioner was denied the same benefit.

11. In view of the above, the respondents are directed to decide the representation of the petitioner dated 02.02.2004 (Annexure No. 5 to the writ petition) regarding the annual increment and special leave instead of Medical Leave within a period of two months from the date of production of the certified copy of this order.

12. Writ petition is disposed of. No order as to costs.

(Rajesh Tandon, J.)

30.03.2006
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